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MISCELLANY.

Unusual Anti-Cruelty Statute.—A very unusual anti-cruelty law was discovered on the New Mexico statute-books a short time ago through accident and more recently an opinion from the office of the attorney general has confirmed the view taken of it at the time. This law is believed to be unique in the United States, for it vests with the power of arrest all witnesses to any act of cruelty to animals, mistreatment, or similar offenses.

The act came to light when a young attorney exercised his right of arrest upon a man whom he saw abusing a kitten. Without bothering to call an officer, though one was near, this young man haled the offender into a justice's court and there charged him with the offense. Some questions was raised as to the authority the young man had taken upon himself but investigation developed that he had in no way exceeded the authority the act confers upon any private citizen. The offender was fined.

The act is part of the compilation of 1905 and had been on the books for an unknown length of time prior to that date, being a strengthening of an act found in earlier compilations. It reads in part as follows:

"Any person who may be found in the act of violating (the anti-cruelty statute, may be arrested by any other person who may see or find him in the act of committing such violation and the person so arresting * * * shall be authorized to take him immediately before the nearest justice of the peace and such justice of the peace shall immediately investigate the said cause and either place the party under bail to await the action of the grand jury, or try said cause, as in his judgment would be most proper * * *"

Another remarkable feature of the act is that it requires "immediate" action by the trial judge, who may, if the offense is sufficiently serious, hold the alleged offender for the grand jury in any sum he may see fit to name.—Our Dumb Animals.

White Slave Law Reinterpreted.—The Supreme Court of the United States have recently given a new interpretation to the Mann Act wherein the majority of the court hold that the woman may be equally guilty with the man. Justice Holmes rendered the decision for the court. Justice Lamar wrote a dissenting opinion, with which Justice Day concurred. Justice Holmes said:

"We think that it would be going to far to say that the defendant could not be guilty in this case. Suppose, for instance, a professional prostitute, as well able to look out for herself as the man, would suggest and carry out a journey within the act of 1910 for the purpose of blackmailing the man and should buy the tickets and pay the fare from Jersey City to New York; she would be within

the letter of the act of 1910 and we see no reason why the act should not be held to apply.

"We see equally little reason for not treating the preliminary agreement as a conspiracy that the law can reach, if we abandon the illusion that the woman is always a victim. The words of the statute punish the transportation of the woman for the purpose of prostitution even if she were the first to suggest the crime. The substantive offense might be committed without the woman's consent, for instance, if she were drugged or taken by force.

"Therefore the decision that it is impossible to turn the concurrence necessary to effect certain crimes, such as bigamy or dueling, into a conspiracy to commit them, does not apply."

In his dissenting opinion Justice Lamar held that the majority decision robbed the statute of its true meaning. He held that congress has not the power to punish immorality, which is a State offense, and therefore congress could not legislate to punish conspiracy to commit an act of immorality.—Lawyer and Banker.

IN VACATION.

Dividing His Load.—"Was the prisoner drunk? Did he appear to have more than he could carry?"

"No, sir, but he might have done better had he gone after it twice."

Are They Liberal?—"And are the divorce laws very liberal in your section?"

"Liberal? Say! They are so liberal that nobody ever heard of a woman crying at a wedding out there."—Detroit Journal.

The Jury's Common Sense(?).—Mr. Justice Maule once addressed a phenomenon of innocence in a smock-frock in the following words: "Prisoner at the bar, your counsel thinks you innocent; I think you innocent; but a jury of your own countrymen, in the exercise of such common sense as they possess, which does not appear to be much, have found you guilty, and it remains that I should pass upon you the sentence of the law. That sentence is that you be kept in imprisonment for one day, and, as that day was yesterday, you may go about your business."

The unfortunate rustic, rather scared, went about his business, but thought that the law was an uncommonly puzzling "thing."—National Corporation Reporter.